



April 23, 2009

Hello,

As noted in this [link](#) on the Department of Early Learning, DEL is revising all of its child care subsidy rules now in Washington Administrative Code (WAC) chapters 170-290 and 170-292.

Draft Seasonal Child Care rules. Draft rules sent out on March 18, 2009, covered changes to Working Connections Child Care program rules. That draft did not include the draft Seasonal Child Care (SCC) rules that were still being developed. Starting on page 4 is a *preliminary draft* of the new SCC rules compared to the current rules. ***Please remember that this a preliminary draft. You will have another chance to see and comment on the draft rules again before they are adopted as permanent WAC.*** DEL plans to move all of the SCC rules from WAC chapter 170-292 and place them into WAC 170-290. When the revised SCC rules are adopted, WAC chapter 170-292 will be repealed.

We invite your input on the *preliminary draft* SCC WAC changes. Please read the attached draft rules and give us your thoughts. **Send your comments on the draft rules by May 10, 2009**, by:

- E-mail to Rules@del.wa.gov;
- Fax to 360-413-3482; or
- Postal mail to "DEL Rules Coordinator, PO Box 40970, Olympia, WA 98504-0970."

Comments will be posted online. We plan to post comments received on the preliminary draft, or a summary of the comments, on the DEL website after the May 10 deadline.

November 2008 SCC Rules Withdrawn. DEL filed proposed changes to the SCC subsidy program rules on November 5, 2009. See this [link](#) for details. Those rules will be withdrawn as we merge the SCC and WCCC rules into the revised subsidy WAC chapter 170-290.

Next steps.

- June 2009 - We plan to file a formal rule proposal (CR-102 notice).
- July - DEL will hold public hearings on the proposed rules, and we will also accept written comments.

- Late July or August - The Department plans to file the final rules, which would be effective in September of 2009. All of these time frames are subject to change.

Who to contact at DEL for your:

Questions about the draft rule content:

Jenny Lemstrom
Seasonal Child Care Program
Phone: 360-725-2838
E-mail: jenny.lemstrom@del.wa.gov

Questions about the rule making process:

Andy Fernando
DEL Rules Coordinator
Phone: 360-725-4397
E-mail: andres.fernando@del.wa.gov

Thank you for taking time to read and consider these draft Seasonal Child Care rules.

Estimated Schedule for Adopting the Draft Child Care Subsidy Rules – Phase I.

DEL Rule Making Process Actions	Estimated target dates for phase I WAC changes to be effective by September 1, 2009
File the CR-101 Initial Notice Beginning the Rule Making Process:	WCCC: Filed February 18, 2009. See filing number WSR 09-04-084 . Seasonal Child Care (SCC): Filed September 11, 2007, WSR 07-19-028 .
Accept Input on Preliminary Draft WACs from the Public and Other Stakeholders:	WCCC rules: March 18 to May 10, 2009 SCC rules: April 23 to May 10, 2009
Prepare the Formal Proposal <ul style="list-style-type: none"> • Review comments and revise the draft rules as needed; • Prepare a CR-102 formal proposed rule notice; 	May 11 through June 2, 2009 (continued on next page)

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<ul style="list-style-type: none"> Obtain internal approvals to file the proposal: 	
Proposal Filing File the CR-102 notice and proposed rule text by the Code Reviser's deadline, noon on:*	June 3, 2009 * <i>(Filing later than June 3 mean all dates below must be adjusted at least 2 to 3 weeks later)</i>
Public Hearings and Written Comment period Hearing dates and locations will be on the CR-102 notice. July 7 is the first hearing date allowed based on the June 3 filing date:*	Written comment period, June 3 through July 18, 2009 Public hearings between July 7 and 18, 2009
Steps Before Final Adoption. DEL Staff: <ul style="list-style-type: none"> Write a consolidated response to public comments (Concise Explanatory Statement); Revise the rule content as needed; Prepare a CR-103 rule adoption notice; Obtain internal approvals to file final rules: 	By July 30, 2009
Permanent Rule Filing. File CR-103 notice and final WAC text by:	July 31, 2009 (estimated)
Final Rules Effective:	September 1, 2009, or 31 days after the final rules are filed with the Code Reviser. See RCW 34.05.380.

* June 3 is the Code Reviser's deadline for filing rule notices that will appear in the June 17, 2009, issue of the *Washington State Register*. The next filing deadline is June 17 for the July 1, 2009, edition of the Register. DEL must wait 20 days after a proposed rule appears in the Register to hold its public hearings. See RCW 34.05.320 and 34.05.325, and Code Reviser WAC 1-21-030. Other dates above are estimates as of April 23, 2009, and are subject to change

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SEASONAL CHILD CARE WAC**PRELIMINARY DRAFT**

NEW WAC NUMBER AND TEXT	OLD SCC WAC NUMBER AND TEXT
INTRODUCTION	
<p>170-290-3501 Program funding; waiting lists The seasonal child care (SCC) program is subject to available funds and creates waiting lists when budget limits occur.</p> <p><i>[Editor's NOTE: Proposed amendments to WAC 170-290-0001 will describe the purpose of the seasonal child care program.]</i></p>	<p>170-292-0001 Introduction The seasonal child care program helps eligible families who are seasonally employed in agriculturally related work to access licensed, culturally and developmentally appropriate child care. Families access this child care subsidy program through contracted community agencies. To be eligible, families must meet income and program guidelines and must not be currently receiving temporary assistance to needy families (TANF). The seasonal child care program prioritizes services for families who are not eligible for working connections child care.</p>
<p>170-290-3510 SCC definitions The following definitions apply only to part III of this chapter relating to seasonal child care (SCC):</p> <p>(1) "Application interview date" means the first date a consumer, as defined in 170-290-0003, meets with the SCC contractor to see if the consumer is eligible for subsidy benefits.</p> <p>(2) The "child care plan" means a state form filled out by the SCC contractor that tells the consumer and provider:</p> <ul style="list-style-type: none"> (a) When benefits start and end; (b) The amount of the copayment; and 	<p>No Definitions section in the current WAC</p>

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<p>(c) The approved hours of care.</p> <p>(3) "SCC contractor" means the agency that DEL has contracted to meet with families to see if they are eligible for the seasonal child care program. SCC contractors are located in several communities across the state. SCC contractors are responsible to follow the SCC rules that DEL has established.</p> <p>(4) The "primary wage earner" means the parent in a two-parent household who had higher employment earnings in the previous twelve months.</p> <p>(5) "Seasonally available labor" or "seasonally available agricultural related work" means labor that is available only in a specific season during part of the calendar year. The labor is directly related to the cultivation, production, harvesting or processing of fruit trees or crops.</p> <p>(6) "Waiting list" means a list of families who are currently working and waiting for seasonal child care subsidies when funding is not available to meet the requests from all eligible families.</p>	
ELIGIBILITY REQUIREMENTS	
<p>170-290-3520</p> <p>Eligible consumers</p> <p>(1) In SCC, an eligible consumer is not currently receiving temporary aid for needy families (TANF), lives in the state of Washington, has parental control of one or more children, and is the child's:</p> <ul style="list-style-type: none"> (a) Parent, either biological or adopted; (b) Stepparent; (c) Legal guardian as verified by a legal or court document; (d) Adult sibling or step sibling; 	<p>170-292-0005</p> <p>Am I eligible for the SCC program?</p> <p>You may be eligible for the SCC program, if you are not currently receiving temporary aid for needy families (TANF) and:</p> <p>(1) You have parental control of one or more children, and you are the child's:</p> <ul style="list-style-type: none"> (a) Parent; (b) Stepparent; (c) Guardian; (d) Adult sibling or step sibling; (e) Aunt;

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<p>(e) Aunt; (f) Uncle; (g) Niece or nephew; (h) Grandparent; or (i) Any of the above relatives with the prefix "great," such as great aunt;</p> <p>(2) Consumers are not be eligible for SCC benefits if they:</p> <p>(a) Were employed with one employer more than 11 months in the previous twelve months; (b) Are receiving TANF benefits; or (c)(i) Will be away from the home for more than thirty days in a row; and (ii) Are the only parent in the household.</p> <p>(3) Consumers may be eligible for SCC benefits if they:</p> <p>(a) Meet eligibility requirements in this chapter; (b) Participate in an approved activity under WAC 170-290-3555; and (c) Have countable income at or below two hundred percent of the federal poverty level (FPL) described in WAC 170-290-0640.</p> <p>(4) If a consumer's copayment, under WAC 170-290-0075, is higher than the maximum monthly state rate for all of the consumer's children in care, then the consumer is not eligible for SCC benefits.</p>	<p>(f) Uncle; (g) Niece or nephew; (h) Grandparent; or (i) Any of the above relatives with the prefix "great," such as great aunt.</p> <p>(2) Your family is described under WAC 388-292-0010;</p> <p>(3) You are participating in an approved activity under WAC 388-292-0020;</p> <p>(4) You and your children are eligible under WAC 388-292-0015;</p> <p>(5) Your countable income as calculated in WAC 388-292-0050 is at or below the federal poverty level (FPL) described in WAC 388-290-0065; and</p> <p>(6) Your share of the child care cost, called a copayment (under WAC 388-290-0075(3)) is lower than the total DSHS maximum monthly payment for all children in the family who are eligible for SCC subsidized care.</p> <p>(7) You agree to participate in the cost of child care by making monthly copayments to the authorized child care provider, as calculated under WAC 388-290-0075(3).</p>
<p>170-290-3530 Verifying consumers' information</p> <p>(1) A consumer must provide information to the SCC contractor to determine eligibility when:</p> <p>(a) The consumer initially applies for benefits; (b) The consumer re-applies for benefits; or (c) A change of circumstances occurs, which is either reported by the consumer or determined by the SCC contractor.</p>	

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<p>(2) The SCC contractor may accept any verification that the consumer can easily obtain when it reasonably supports the consumer's statement or circumstances. The verification that the consumer gives to the SCC contractor must:</p> <ul style="list-style-type: none"> (a) Clearly relate to what the SCC contractor is requesting; (b) Be from a reliable source; and (c) Be accurate, complete, and consistent. <p>(3) The SCC contractor will accept a variety of forms of verification to show the consumer is eligible. For example, any of the following documents are accepted to show the child is in the home: school records, immunization records or birth certificates, or other type of documents.</p> <p>(4) If the verification that a consumer gives to the SCC contractor is questionable or confusing, the SCC contractor may:</p> <ul style="list-style-type: none"> (a) Ask a consumer to give the SCC contractor more information or documentation; or (b) Send an investigator from the division of fraud investigations (DFI) to make an unannounced visit to the consumer's home to verify the consumer's circumstances. <p>(5) If a consumer does not give the SCC contractor all of the verification that the SCC contractor has requested, the SCC contractor will then determine if the consumer is eligible based on the information that the consumer submitted with the SCC application. If the SCC contractor cannot determine that the consumer is eligible based on this information, the SCC contractor may deny or stop the consumer's benefits per WAC 170-290-3690 or 170-290-3720.</p>	
<p>170-290-3540 Eligibility; family size DEL determines a consumer's family size by reviewing</p>	<p>170-292-0010 How is my family size defined for SCC program eligibility purposes?</p>

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<p>the individuals who live together in the same household as follows:</p> <table border="0"> <tr> <td>(1) If a consumer is:</td><td>Then DEL counts the following individuals as part of the family for SCC program eligibility:</td></tr> <tr> <td>(a) A single parent, including a minor parent, living independently or residing in her/his parent's home with her/his children;</td><td>The consumer and the consumer's children.</td></tr> <tr> <td>(b) Unmarried parents living together who have at least one mutual child;</td><td>Both parents and all their children living in the household.</td></tr> <tr> <td>(c) Unmarried parents living together with no mutual children;</td><td>Each parent and their own children, as separate families.</td></tr> <tr> <td>(d) Married parents living together;</td><td>Both parents and all their children living in the household.</td></tr> <tr> <td>(e) A legal guardian verified by a legal or court document; adult sibling or step-sibling; nephew or niece; aunt; uncle; grandparent; or great-aunt, great-uncle, or great-grandparent.</td><td>Only the children and their income.</td></tr> <tr> <td>(f) A parent who is voluntarily out of the</td><td>The consumer, the absent</td></tr> </table>	(1) If a consumer is:	Then DEL counts the following individuals as part of the family for SCC program eligibility:	(a) A single parent, including a minor parent, living independently or residing in her/his parent's home with her/his children;	The consumer and the consumer's children.	(b) Unmarried parents living together who have at least one mutual child;	Both parents and all their children living in the household.	(c) Unmarried parents living together with no mutual children;	Each parent and their own children, as separate families.	(d) Married parents living together;	Both parents and all their children living in the household.	(e) A legal guardian verified by a legal or court document; adult sibling or step-sibling; nephew or niece; aunt; uncle; grandparent; or great-aunt, great-uncle, or great-grandparent.	Only the children and their income.	(f) A parent who is voluntarily out of the	The consumer, the absent	<p>For SCC program eligibility purposes, your family size is defined by reviewing the individuals who live together in the same household as follows:</p> <table border="0"> <tr> <td>(1) If you are:</td><td>We count the following individuals as part of the family for SCC program eligibility:</td></tr> <tr> <td>(a) A single parent, including a minor parent, living independently or residing in her/his parent's home with her/his children;</td><td>You and your children.</td></tr> <tr> <td>(b) Unmarried parents living together who have at least one mutual child;</td><td>Both parents and all their children living in the household.</td></tr> <tr> <td>(c) Unmarried parents living together with no mutual children;</td><td>Each parent and their own children, as separate families.</td></tr> <tr> <td>(d) Married parents living together;</td><td>Both parents and all their children living in the household.</td></tr> <tr> <td>(e) A person with parental control as defined in WAC 388-292-0005 (1)(c) through (i);</td><td>Only the children and their income.</td></tr> </table>	(1) If you are:	We count the following individuals as part of the family for SCC program eligibility:	(a) A single parent, including a minor parent, living independently or residing in her/his parent's home with her/his children;	You and your children.	(b) Unmarried parents living together who have at least one mutual child;	Both parents and all their children living in the household.	(c) Unmarried parents living together with no mutual children;	Each parent and their own children, as separate families.	(d) Married parents living together;	Both parents and all their children living in the household.	(e) A person with parental control as defined in WAC 388-292-0005 (1)(c) through (i);	Only the children and their income.
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<p>household for reasons other than employment, such as visiting a family member.</p> <p>parent and the children.</p> <p>(g) A family member who is out of the household because of employer requirements, such as working in a different community, and is expected to return to the household.</p> <p>The consumer, the absent individual, and the children. Subsection (1)(b) and (d) of this section apply.</p> <p>(h) An incarcerated family member.</p> <p>The absent person is removed from the household. DEL counts all remaining household members. All other family rules in this section apply.</p> <p>(2) If the consumer's household includes :</p> <p>Then in addition, DEL counts the sibling as part of the family for SCC program eligibility as follows:</p> <p>(a) Eighteen year old siblings of the children</p> <p>The eighteen year olds (unless they are a parent</p>	<p>(f) A parental figure who is out of the household because of employment requirements.</p> <p>The parents and the children. All other family rules in this section apply.</p> <p>(2) If your household includes siblings of the children requiring care who are:</p> <p>All family rules in this section apply. In addition, we count the sibling as part of the family for SCC program eligibility (unless they are a parent themselves), as follows:</p> <p>(a) Eighteen year olds who are enrolled in secondary education or general equivalency diploma (GED) program.</p> <p>The eighteen year olds until they turn nineteen or complete high school/GED, whichever comes first.</p> <p>(b) Twenty year olds, or less, who are participating in a program through the school district's special education department under RCW 28A.155.0202.</p> <p>The sibling participating in the approved program up to twenty-one years of age.</p>

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<p>who require care and are enrolled in secondary education or general equivalency diploma (GED) program.</p> <p>(b) Siblings of the children requiring care who are up to twenty-one year olds who are participating in a program through the school district's special education department under RCW 28A.155.0202.</p> <p>themselves), until they turn nineteen or complete high school/GED, whichever comes first. All other family rules in this section apply.</p> <p>The person participating in the approved program through RCW 28A.155.020 up to twenty-one years of age (unless they are a parent themselves). All other family rules in this section apply.</p>	
<p>170-290-3550 Eligibility; special circumstances (1)A consumer may be eligible for the SCC program when he or she: (a)Has children living in Washington state that are younger than age thirteen; or (b)Between the age of thirteen up to nineteen year of age; and (i)Is under court supervision; or (ii)Has a verified special need according to WAC 170-290-0220; (2)Is a parent in a two-parent family in which both parents work in seasonally available agricultural related work. If both parents are not employed in seasonally agricultural related work, the consumer may be eligible for SCC only</p>	<p>170-292-0015 Are there special circumstances when I might be eligible for the SCC program? You might be eligible for the SCC program if you are part of a two-parent family and one parent is not able or available to provide care for your children while the other is working or traveling to and from work. (1) "Able" means without a verifiable physical or mental disability that prevents you from caring for your child in a responsible manner. (2) "Available" means not participating in an approved work activity under WAC 388-292-0020.</p>

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<p>when:</p> <p>(a) The other parent is "unable" to provide care for the children because of physical or mental restrictions. If a consumer claims one parent is unable to care for the children, the consumer must provide written documentation from a licensed medical or mental health professional that states the:</p> <p>(i) Reason the parent is unable to care for the children; and</p> <p>(ii) Expected duration and severity of the condition that keeps the parent from caring for the children.</p> <p>(3) The primary wage earner must show fifty percent or more of his or her earned income for the previous twelve months comes from seasonally available agricultural related work.</p> <p>.</p>	
<p>170-290-3555</p> <p>Eligibility; approved activities</p> <p>(1) A consumer may be eligible for SCC benefits for up to sixteen hours per day for the time he or she is involved in:</p> <p>(a) Seasonally available agricultural related work;</p> <p>(i) In Washington state; or</p> <p>(ii) A bordering state within forty miles of Washington state.</p> <p>(2) When the consumer is part of a two-parent family, both parents must be employed as described in this subsection (1) above;</p> <p>(3) Travel time between the child care location and the employment location only;</p> <p>(4) Job search, of no more than five days, if the consumer's seasonally available agricultural related work ends and he or she is still eligible and continues to need child care; and</p> <p>(5) Sleep time, up to eight hours per day when needed, if the consumer works nights and sleeps days.</p>	<p>170-292-0020</p> <p>What activities must I be involved in to be eligible for the SCC program?</p> <p>You may be eligible for SCC program subsidies for up to sixteen hours per day for the time you are involved in:</p> <p>(1) Active employment in seasonally available agriculturally related work (in a two parent family, both parents must be so employed) in Washington state or in a bordering state within forty miles of the Washington state border;</p> <p>(a) The agriculturally related work must be one of the following:</p> <p>(i) Seasonally available labor directly related to the cultivation, production, or processing of crops;</p> <p>(ii) Seasonally available labor directly related to the cultivation or harvesting of fruit trees.</p> <p>(b) "Seasonally available labor" means labor that depends upon, and is available only during, a specific season that is identified with certain activities or crops, and occurs only during a</p>

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	<p>portion of the calendar year.</p> <p>(2) Travel time between the child care location and the work site only;</p> <p>(3) Job search, of no more than five days, if your seasonally available agricultural job ends and you are still eligible and continue to need child care; or</p> <p>(4) Sleep time, up to eight hours per day when needed, if you work nights and sleep days.</p>
RIGHTS AND RESPONSIBILITIES	
<p>170-290-3560 Consumers' rights When a consumer applies for or receives SCC benefits, he or she has the right to:</p> <p>(1) Be treated politely and fairly without regard to race, color, creed, religion, presence of any sensory, mental or physical disability, sexual orientation, political affiliation, national origin, religion, age, gender, disability, or birthplace;</p> <p>(2) Have the consumer's application accepted and acted upon within thirty days;</p> <p>(3) Be informed, in writing, of the consumer's legal rights and responsibilities related to SCC benefits;</p> <p>(4) Have the consumer's information shared with other agencies only when required by federal or state regulations;</p> <p>(5) Be allowed to choose a provider as long as the provider meets requirements in WAC 170-290-3750;</p> <p>(6) Receive a written notice at least ten days before changes are made to lower or stop benefits except as stated in WAC 170-290-3570;</p> <p>(7) Ask for an administrative hearing if the consumer does not agree with a decision per WAC 170-290-3910;</p> <p>(8) Ask to speak to the SCC contractor's supervisor or</p>	<p>170-292-0060 What rights do I have when I apply for or receive SCC program subsidies? When you apply for or receive SCC program subsidies, you have the right to:</p> <p>(1) Be treated politely and fairly - without regard to race, color, age, gender, sexual orientation, religion, creed, political affiliation, national origin, or disability (physical, mental or sensory);</p> <p>(2) Have an application accepted and acted upon within thirty days;</p> <p>(3) Be informed, in writing, of your legal rights and responsibilities related to SCC program subsidies, in your language;</p> <p>(4) Have your information held confidentially as required by chapter 42.17 RCW, chapter 388-01 WAC and other applicable state and federal laws;</p> <p>(5) Get a written notice, at least ten days before changes are made to lower or stop SCC program subsidy payments except in WAC 388-292-0150;</p> <p>(6) Ask for a fair hearing if you do not agree with your eligibility decision;</p> <p>(7) Ask a supervisor or administrator to review a decision or</p>

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<p>administrator to review a decision or action affecting the consumer's benefits without affecting the consumer's right to an administrative hearing;</p> <p>(9) Have interpreter or translator services provided by the SCC contractor within a reasonable amount of time and at no cost to the consumer;</p> <p>(10) Choose a provider as long as the provider meets the requirements in WAC 170-290-3750;</p> <p>(11) Refuse to speak to a fraud early detection (FRED) investigator from the department of social and health services division of fraud investigations when they ask to come into your home. The consumer may ask the investigator to come back. This request will not affect eligibility for SCC program subsidies. If the consumer refuses to cooperate with the investigator at a later date, it could affect his or her benefits;</p> <p>(12) Access a consumer's child at all times while he or she is in child care;</p> <p>(13) Terminate child care without cause and without notice to the provider. Notice must be given to the SCC contractor within five days of termination; and</p> <p>(14) Not be charged by the consumer's provider, or make the consumer pay, for:</p> <ul style="list-style-type: none"> (a) The difference between their private rate and the state maximum child care subsidy rate, when their private rate for child care or the registration fee is higher; (b) Any day when the consumer's child is absent; (c) Vacation days when the provider chooses to close; (d) A higher amount than the state allows for field trips. <p>If the consumer cannot pay the higher amount for a field trip, the provider must make arrangements for the child's care for that day; or</p> <ul style="list-style-type: none"> (e) A preschool tuition fee in addition to regular child care services. 	<p>action affecting your SCC program subsidies without affecting the right to a fair hearing;</p> <p>(8) Have interpreter or translator service for SCC program matters within a reasonable amount of time and at no cost to you;</p> <p>(9) Be allowed to choose your provider as long as the provider meets the requirements in WAC 388-292-0085; and</p> <p>(10) Refuse to speak to a fraud early detection (FRED) investigator from the division of fraud investigations. You do not have to let an investigator into your home at that time. You may ask the investigator to come back. This request will not affect your eligibility for SCC program subsidies.</p>

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<p>170-290-3565 Consumers' responsibilities When a consumer applies for or receives SCC benefits, he or she must:</p> <ol style="list-style-type: none"> (1) Give the SCC contractor correct and current information so that the SCC contractor can determine the consumer's eligibility and authorize child care payments correctly; (2) Choose a provider who meets requirements of WAC 170-292-3750; (3) Leave the consumer's children with his or her provider while the consumer is in SCC approved activities. If the consumer is not in an approved activity and wants to use the provider, he or she pay the provider if the provider wants payment; (4) Pay for any additional child care hours that exceed the number of hours authorized; (5) Pay, or make arrangements for someone to pay, the consumer's SCC copayment directly to the child care provider. The child care plan tells the consumer and the provider that subsidy benefits are approved, when the subsidy benefits begin and when benefits stop, and how many hours a day benefits are approved; (6) Pay the provider the same late fees that are charged to other families, if the consumer pays a copayment late or picks up the child late; and (7) Sign his or her children in and out of child care as provided in WAC 170-295-7030, 170-296-0520, or 170-151-460, as applicable, for that type of provider. (8) Provide the information requested by the SCC contractor or the department of social and health services fraud early detection (FRED) investigator. If the consumer refuses to provide the information requested within ten days, it could affect his or her benefits. If the SCC contractor determines 	<p>170-292-0065 What responsibilities do I have when I apply for or receive SCC program subsidies? When you apply for or receive SCC program subsidies you have a responsibility to:</p> <ol style="list-style-type: none"> (1) Give the SCC program authorizing worker the information necessary to determine your eligibility and authorize child care subsidies correctly; (2) Choose a provider who meets requirements of WAC 388-292-0085 and make your own child care arrangements; (3) Pay, or make arrangements to have someone pay, your SCC program copayment directly to your child care provider; (4) Sign your child in and out of care each day with your full legal signature if the care is provided by a child care center; (5) Notify the SCC program authorizing worker before changing providers; (6) Notify the SCC program authorizing worker within ten days if: <ol style="list-style-type: none"> (a) Your work status, work hours, or employer changes; (b) You need to change the hours of child care; (c) You receive TANF assistance; (d) Your children become eligible for a migrant headstart program; (e) Your household size changes, such as any family member moves in or out of your home; (f) Your home address or telephone number changes; or (g) Your amount of child support paid out or received changes (7) Cooperate with auditors from quality assurance and the division of fraud investigations. <p>170-292-0102 When can my child care provider charge me more than the amount authorized by the SCC program? Your child care provider may charge you more than the amount</p>

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NEW WAC NUMBER AND TEXT	CURRENT SCC WAC NUMBER AND TEXT
<p>that a consumer is not cooperating with the requested information, the consumer will not be eligible for SCC benefits. The consumer may become eligible again when he or she meets SCC requirements in part III of this chapter, or when thirty days have passed since the consumer became ineligible.</p>	<p>authorized by the SCC program for child care services when:</p> <ul style="list-style-type: none"> (1) You are late picking up your child at the customary time due to personal reasons (i.e., shopping, appointments, etc.); (2) You pick up your child after the provider's operating hours and the provider has a policy to charge all families an after hour charge; (3) You request an optional enrichment program for your child and all parents who want it have to pay extra (i.e., gymnastics, swimming, dancing, etc.); or (4) You pay the copayment later than agreed upon and the provider has a late fee policy for all families.
<p>170-290-3570 Notification of changes When a consumer applies for or receives SCC benefits, he or she must:</p> <ul style="list-style-type: none"> (1) Notify the SCC contractor, within five days, of any change in providers; (2) Notify his or her provider within ten days when the SCC contractor changes his or her child care authorization; (3) Give notice to the SCC contractor within ten days of any change in: <ul style="list-style-type: none"> (a) The number of child care hours needed (more or less hours); (b) The child becoming eligible for migrant Head Start or another child care program; (c) Household income, including any new receipt of a TANF grant or child support increases or decreases; (d) Household size such as any family member moving in or out of his or her home; (e) Employment hours such as starting, stopping or changing employers; (f) Home address and telephone number; and 	<p>NEW</p>

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NEW WAC NUMBER AND TEXT	CURRENT SCC WAC NUMBER AND TEXT
(g) Child support payments made by the consumer.	
<p>170-290-3580 Failure to report changes If a consumer fails to report any changes as required in WAC 170-290-3570 within the stated time frames, DEL may establish an overpayment to the consumer per WAC 170-290-3870 or the consumer may have to pay additional costs, such as:</p> <ul style="list-style-type: none"> (1) A higher copayment; or (2) Receiving an overpayment beyond what the provider is allowed to bill (see publication <i>Child Care Subsidies, A Booklet for Licensed and Certified Child Care Providers</i>, DEL 22-877). 	<p>NEW</p>
<p>170-290-3590 SCC Contractor's responsibilities to consumers The SCC contractors are community agencies that contract with DEL to perform SCC program authorizations. The SCC contractors and their staff must:</p> <ul style="list-style-type: none"> (1) Treat consumers politely and fairly without regard to race, color, creed, religion, presence of any sensory, mental or physical disability, sexual orientation, political affiliation, national origin, religion, age, gender, disability, or birthplace; (2) Authorize SCC program subsidies for a consumer's children based on eligibility criteria established by DEL, as defined in this chapter; (3) Ask if a consumer has received, or is currently receiving, child care services from another subsidy program; and if he or she has, received a copy of his or her termination letter from that program; (4) Ask if a consumer has applied, and been denied, for working connections child care (WCCC); and if he or she 	<p>170-292-0070 Who are the SCC program staff and what responsibilities do they have? The SCC program staff work for community agencies who contract with DSHS to perform SCC program authorizations. They are responsible to:</p> <ul style="list-style-type: none"> (1) Authorize SCC program subsidies for your children based on eligibility criteria established by DSHS, as defined in this chapter; (2) Ask if you have received, or are currently receiving, child care services from another subsidy program; and if you have, receive a copy of your termination letter from that program; (3) Ask if you have applied, and been denied, for working connections child care; and if you have, verify your denial from that program; (4) Complete intake documents in your presence, based on information you provide; (5) Authorize payments only to a child care provider of your choice who meets the requirements in WAC 388-292-0085 and

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<p>has, verify his or her denial from that program;</p> <p>(5) Complete intake documents in a consumer's presence, based on information he or she provides;</p> <p>(6) Accept a variety of forms of verification and may not specify the type of documentation required;</p> <p>(7) Authorize payments only to a child care provider of a consumer's choice who meets the requirements in WAC 170-290-3750 and who allows the consumer to see his or her children whenever they are in care;</p> <p>(8) Authorize payments only when no adult in a consumer's family is "able or available" to care for the consumer's children as defined in WAC 170-290-3550;</p> <p>(9) Give a consumer a SCC program approved child care plan in order to enroll his or her children in licensed or certified child care;</p> <p>(10) Inform a consumer of:</p> <p>(a) The consumer's copayment amount as determined in WAC 170-290-3620 and defined in WAC 170-290-0075;</p> <p>(b) The consumer's rights and responsibilities under the SCC program when he or she applies or reapplies;</p> <p>(c) The types of child care providers the SCC program will pay;</p> <p>(d) The community resources that can help the consumer select child care when needed;</p> <p>(e) Other options for child care subsidies, if the consumer does not qualify for SCC program subsidies; and</p> <p>(f) The consumer's rights to an administrative hearing under the SCC program;</p> <p>(11) Provide prompt child care authorizations to a consumer's child care provider;</p> <p>(12) Respond to a consumer within ten days if the consumer reports a change of circumstance that affects the consumer's:</p> <p>(a) SCC eligibility;</p>	<p>who allows you to see your children whenever they are in care;</p> <p>(6) Authorize payments only when no adult in your family is "able or available" to care for your children as defined in WAC 388-292-0015;</p> <p>(7) Give you an SCC program approved child care plan in order to enroll your children in licensed or certified child care;</p> <p>(8) Inform you of:</p> <p>(a) Your copayment amount as determined in WAC 388-292-0050 and defined in WAC 388-290-0075(3);</p> <p>(b) Your rights and responsibilities under the SCC program when you apply or reapply;</p> <p>(c) The types of child care providers the SCC program can pay;</p> <p>(d) The community resources that can help you select child care when needed;</p> <p>(e) Other options for child care subsidies, if you do not qualify for SCC program subsidies; and</p> <p>(f) Your rights to a fair hearing under the SCC program;</p> <p>(9) Respond to you within ten days if you report a change of circumstance that affects your SCC program eligibility or subsidies; and</p> <p>(10) Authorize child care payments promptly.</p>

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NEW WAC NUMBER AND TEXT	CURRENT SCC WAC NUMBER AND TEXT
(b) Copayment; or (c) Providers; and (13) Provide an interpreter or translator service at no cost to the consumer to explain information related to the SCC program.	
INCOME AND COPAYMENT CALCULATIONS	
170-290-3610 Countable income DEL counts income as money a consumer earns or receives from: (1) Wages and commissions earned from employment; (2) Unemployment compensation; (3) A TANF or other welfare grant; (4) Child support payments received; (5) Supplemental Security Income (SSI); (6) Other Social Security payments, such as SSA and SSDI; (7) Refugee assistance payments; (8) Payments from the Veterans' Administration; (9) Pensions or retirement income; (10) Payments from labor and industries (L&I), or disability payments; (11) Inheritance; (12) Reportable gambling winnings; and (13) Other types of income not listed in WAC 170-290-3630.	170-292-0035 What income is counted when determining eligibility and copayment for the SCC program? To determine income eligibility and copayment for the SCC program, the following income is counted: (1) Wages and commissions earned from employment; (2) Unemployment compensation; (3) A TANF or other welfare grant; (4) Child support payments received; (5) Supplemental Security Income (SSI); (6) Other Social Security payments, such as SSA and SSDI; (7) Refugee assistance payments; (8) Payments from the Veterans' Administration; (9) Pensions or retirement income; (10) Payments from labor and industries (L&I), or disability payments; (11) Inheritance; (12) Reportable gambling winnings; and (13) Other types of income not listed in WAC 388-292-0045.
170-290-3620 Calculation of income For the SCC program, DEL calculates a consumer's average monthly income by totaling all income earned in the	170-292-0040 How is my family's average monthly income calculated for the SCC program? For the SCC program, your average monthly income is

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past twelve months, as listed in WAC 170-290-3610, and dividing by twelve. The last month that is counted is the month before the consumer applies for SCC.	calculated by totaling all income earned in the past twelve months, as listed in WAC 388-292-0035, and dividing by twelve.
<p>170-290-3630 Excluded income and deductions (1) The SCC program does not count the following income types when figuring a consumer's income eligibility and copayment:</p> <ul style="list-style-type: none"> (a) Savings accounts; (b) Money received from sale of real property, such as a house, or personal property, such as a car; (c) Tax refunds; (d) Earned income credits; (e) One-time insurance settlement payments; (f) Capital gains; (g) Basic Food program; (h) Income earned by children as described in WAC 170-290-3540; (i) Benefits received by children of Vietnam War veterans who are diagnosed with all forms or manifestations of spina bifida (except spina bifida occulta); and (j) Government economic stimulus payments. <p>(2) SCC deducts the amount a consumer pays for child support from his or her countable income when figuring his or her eligibility and copayment for the SCC.</p>	<p>170-292-0045 What is not counted, or is deducted, when figuring income eligibility for the SCC program? (1) For the SCC program the following is not counted when figuring income eligibility and copayment:</p> <ul style="list-style-type: none"> (a) Savings accounts; (b) Money received from sale of personal property such as a house or car; (c) Tax refunds; (d) Earned income credits; (e) One-time insurance settlement payments; (f) Capital gains; (g) Basic Food program; (h) Income earned by children as described in WAC 388-292-0010(2). <p>(2) For the SCC program the amount you pay for child support is deducted from your countable income.</p>
<p>170-290-3640 Determining income eligibility and copayment (1) For the SCC program, DEL determines a consumer's family's income eligibility and copayment by:</p> <ul style="list-style-type: none"> (a) The consumer's family size as defined under WAC 	<p>170-292-0050 How is my family's income eligibility and copayment amount determined for the SCC program? For the SCC program, your family's income eligibility and copayment is determined by:</p>

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<p>170-290-3540;</p> <p>(b) The consumer's average monthly income as calculated under WAC 170-290-3620;</p> <p>(c) The consumer's family's average monthly income as compared to the federal poverty level (FPL); and</p> <p>(d) The consumer's family's average monthly income as compared to the copayment chart defined in WAC 170-290-0075.</p> <p>(2) If a consumer's family's income is above the FPL as defined in WAC 170-290-0075, his or her family is not eligible for the SCC program.</p> <p>(3) SCC does not prorate the copayment when a consumer uses care for part of a month.</p> <p>(4) The FPL is updated every year on April 1. The SCC eligibility level is updated at the same time every year to remain current with the FPL.</p> <p>(5) SCC shall assign a copayment amount based on the family's countable income. The copayment amount will be on the consumer's child care plan. The consumer must pay that copayment directly to the provider. The provider is responsible to collect any amounts owed to them in assessed copayments or other services not covered by SCC.</p>	<p>(1) Your family size as defined under WAC 388-292-0010;</p> <p>(2) Your average monthly income as calculated under WAC 388-292-0040;</p> <p>(3) Your family's average monthly income as compared to the federal poverty level (FPL); and</p> <p>(4) Your family's average monthly income as compared to the copay chart defined in WAC 388-290-0075(3).</p> <p>(5) If your family's income is above the FPL as defined in WAC 388-290-0075(3), your family is not eligible for the SCC program.</p>
<p>170-290-3650</p> <p>Change in copayment</p> <p>A consumer's SCC program copayment could change when:</p> <p>(1) DEL makes a mass change in subsidy benefits due to a change in law or program funding;</p> <p>(2) The consumer's family size increases;</p> <p>(3) The SCC contractor makes an error in the consumer's copayment computation;</p> <p>(4) The consumer did not report all income, activity and</p>	<p>170-292-0055</p> <p>When might my SCC program copayment change?</p> <p>Your SCC program copayment could change when:</p> <p>(1) Your family size increases or decreases; or</p> <p>(2) You are reauthorized for the SCC program and your new average monthly income places you in a different copayment category.</p> <p>(3) There is a mass change in subsidy benefits due to a change in law or program funding.</p>

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<p>household information at the time of eligibility determination or application/reapplication;</p> <p>(5) The consumer is approved for a new eligibility period; or</p> <p>(6) If a consumer's copayment changes during his or her eligibility period, the change is effective as follows:</p> <p style="padding-left: 40px;">(a) On the first day of the month following the change, when the report is made to the SCC contractor within ten days as provided in WAC 170-290-3570; or</p> <p style="padding-left: 40px;">(b) The first day of the month following the SCC contractor becoming aware of the change, when the report is not made to the SCC contractor within ten days as provided in WAC 170-290-3570.</p>	
<p>170-290-3660</p> <p>Eligibility period</p> <p>The SCC contractor may approve a consumer for a period up to six months. A consumer's eligibility may end before his or her end date as stated in WAC 170-290-3900.</p>	NEW
START DATES AND ELIGIBILITY PERIOD	
<p>170-290-3665</p> <p>When SCC benefits start</p> <p>The consumer's child care plan will tell the consumer when the benefits start and end.</p> <p>(1) The SCC contractor authorizes child care subsidies when:</p> <p style="padding-left: 40px;">(a) The consumer turns in all of his or her eligibility paperwork to the SCC contractor;</p> <p style="padding-left: 40px;">(b) The SCC contractor determines that the consumer is eligible for the program; and</p> <p style="padding-left: 40px;">(c) The consumer starts his or her children in care with an approved child care provider.</p> <p>(2) After the SCC contractor decides that a consumer is eligible, the date the subsidy begins depends upon when the consumer applied and when the consumer turned in all of the paperwork needed as follows:</p>	(See below for the current SCC WAC 170-292-0115)

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If at the time of application the consumer:	And the consumer turns all paperwork in:	Then the child care benefits begin:
(a) Has not begun work yet,	Within 14 days of the job starting,	The first day of job,
(b) Has not begun work yet,	15-29 days after the job starts,	The day after the paperwork is turned in.
(c) Has not begun work yet,	30 days after the job starts,	Application is denied and the consumer must reapply.
(d) Is Working,	14 days of the application interview date,	The day the consumer either calls or comes in to the SCC contractor's office to apply for SCC benefits.
(e) Is Working,	15 – 29 days after the application interview date,	The day after the paperwork is turned in.
(f) Is Working,	30 days after the application interview date,	The application is denied and the consumer must reapply.
(See the new WAC 170-290-3665 above)		170-292-0115 If I am determined eligible for the SCC program, when does my child care subsidy begin? Your SCC program subsidy will begin according to the following situations: (1) If you are determined eligible before your employment starts, your subsidy begins on the first day of your job that your children are in approved child care; (2) If you are determined eligible after your job begins because: (a) You requested an appointment before your job started but were denied one, your subsidy begins on the first day of your job that your children were in approvable child care;

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	<p>(b) You did not provide all necessary documents when requested, your subsidy begins on the first day after you are determined eligible for the program, that you work and your children are in authorized child care.</p> <p>(c) You did not request an appointment until after your job began, your subsidy begins on the first day after you are determined eligible for the program, that you work and your children are in authorized child care.</p>
<p>170-290-3670 Preauthorization for the SCC program (1) A consumer may be preauthorized for the SCC program, before his or her job starts, if: (a) The consumer meets all eligibility criteria for the SCC program; (b) The consumer has employment verification that shows a future start date; and (c) The program does not have a waiting list. (2) Child care benefits begin according to the table in 170-290-3665.</p>	<p>170-292-0120 Can I be authorized for the SCC program before I start a job? You may be preauthorized for the SCC program, before your job starts, if: (1) You are meet all eligibility criteria for the SCC program; and (2) You have employment verification that shows a future start date.</p>
<p>(See new WAC 170-290-3665 above).</p>	<p>170-292-0125 I am preauthorized for the SCC program, when do my SCC program child care subsidies begin? If you are preauthorized for the SCC program, your SCC program child care subsidies begin according to the following conditions: (1) If you are preauthorized, AND you present verification of the date your employment starts to the SCC program authorizing worker within thirty days of your intake interview, your subsidy payments can begin: (a) The day you present your documentation; or (b) A maximum of fourteen days prior to the day you present</p>

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	<p>the documentation, if you were working and your children were in approvable child care.</p> <p>(2) If you are preauthorized but no verification of an employment start date is provided to the SCC program authorizing worker within thirty days of the preauthorization, no subsidy payments can be made. Your preauthorization is closed and you must reapply to the SCC program.</p>
<p>170-290-3690 Denial of benefits; date of redetermining eligibility The SCC contractor sends a consumer a denial letter when the consumer has applied for child care and the consumer:</p> <p>(1) Is not eligible due to the consumer's:</p> <ul style="list-style-type: none"> (a) Family composition; (b) Income; or (c) Activity; or <p>(2) Did not provide information required to determine the consumer's eligibility according to WAC 170-290-3530.</p>	<p>No comparable WAC currently.</p>
ADVANCE AND ADEQUATE NOTICE	
<p>170-290-3720 When notice of payment changes (1) The SCC contractor provides SCC consumers with at least 10 days written advance and adequate notice of changes to payments related to the suspension, reduction, or termination of benefits, in child care arrangements, except as noted in WAC 170-290-3730. (2) "Advance and adequate notice," means a written notice of a SCC reduction, suspension, or termination that is mailed at least ten days before the date of the intended action which includes the Washington Administrative Code (WAC) supporting the action, and a consumer's right to request an</p>	<p>170-292-0145 When might I receive advance and adequate notice of change in my SCC program subsidies? (1) You are given advance and adequate notice of changes in your SCC program subsidies when the change:</p> <ul style="list-style-type: none"> (a) Results in a suspension, reduction, or termination of child care subsidies; or (b) Is not exempt from advance and adequate notice of payment changes as noted in WAC 388-292-0150. <p>(2) "Advance and adequate notice," means a written notice from the SCC program authorizing agency mailed at least ten days before the date of the intended action begins. It includes the</p>

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NEW WAC NUMBER AND TEXT	CURRENT SCC WAC NUMBER AND TEXT
administrative hearing.	Washington Administrative Code (WAC) supporting the action, and your right to request a fair hearing.
<p>170-290-3730 When notice of payment changes is not required The SCC contractor does not give a consumer advance and adequate notice if the consumer:</p> <ul style="list-style-type: none"> (1) Tells the SCC contractor that he or she no longer wants SCC; (2) Has moved and his or her whereabouts are unknown to the SCC contractor; (3) Is receiving duplicate child care benefits; (4) Has a current eligibility period that is scheduled to end; (5) Has a new eligibility period that results in a change in child care benefits; or (6) Is receiving child care at a location where child care occurs does not meet requirements under WAC 170-290-3750. 	<p>170-292-0150 When won't I receive advance and adequate notice of changes in my SCC program subsidies? You will not receive advance and adequate notice of changes in your SCC program subsidies when:</p> <ul style="list-style-type: none"> (1) You tell the SCC program authorizing worker you no longer want SCC program subsidies; (2) Your eligibility review results in a change to your child care subsidies; (3) You are authorized for duplicate child care subsidies; (4) Your whereabouts are unknown to the SCC program authorizing worker; or (5) There is a mass change in subsidy benefits due to a change in law or program funding.
ELIGIBLE PROVIDERS AND RATES	
<p>170-290-3750 Eligible child care providers To receive payment under the SCC program, a consumer's child care provider must be:</p> <ul style="list-style-type: none"> (1) Currently licensed as required by chapter 43.215 RCW and chapters 170-295, 170-296, or 170-151 WAC; (2) Meeting their state's licensing regulations, for providers who care for children in states bordering Washington. SCC pays the lesser of the following to qualified child care facilities in bordering states: <ul style="list-style-type: none"> (a) The provider's private pay rate for that child; or (b) The state maximum child care subsidy rate for the 	<p>170-292-0085 What child care providers can I choose under the SCC program? To receive payment under the SCC program, the child care provider you choose must be:</p> <ul style="list-style-type: none"> (1) Licensed as required by chapter 74.15 RCW including: <ul style="list-style-type: none"> (a) Family child care homes; and (b) Child day care centers. (2) Exempt from licensing but certified by DSHS including: <ul style="list-style-type: none"> (a) Tribal child care facilities that meet the requirements of tribal law; (b) Child care facilities on a military installation; and

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<p>DSHS region where the child resides;</p> <p>(3) Exempt from licensing but certified by DEL, such as:</p> <ul style="list-style-type: none"> (a) Tribal child care facilities that meet the requirements of tribal law; (b) Child care facilities on a military installation; and (c) Child care facilities operated on public school property by a school district; <p>(4) Seasonal day camps that have a contract with DEL to provide subsidized child care and are:</p> <ul style="list-style-type: none"> (a) Of a duration of three months or less; (b) Engaged primarily in recreational or educational activities; and (c) Accredited by the American Camping Association (ACA). 	<ul style="list-style-type: none"> (c) Child care facilities operated on public school property by a school district. <p>(3) Seasonal day camps that contract with DSHS to provide subsidized child care and are:</p> <ul style="list-style-type: none"> (a) Of a duration of three months or less; (b) Engaged primarily in recreational or educational activities; and (c) Accredited by the American Camping Association (ACA).
<p>170-290-3760 SCC subsidy rates; effective date DEL child care subsidy rates in this part are effective as of the date stated in WAC 170-290-0180.</p>	<p>170-292-0090 When are the DSHS child care subsidy rates, used by the SCC program in this chapter, effective? DSHS child care subsidy rates in this chapter are effective as of the date stated in WAC 388-290-0180, when your family:</p> <ul style="list-style-type: none"> (1) Is newly authorized to receive child care subsidies; (2) Has a household change that requires your authorization to be updated; or (3) Is reauthorized to continue receiving child care subsidies.
<p>170-290-3770 Authorized SCC payments The SCC program authorizes payments to licensed/certified child care providers for:</p>	<p>170-292-0100 What services can be authorized for the SCC program, and at what rates? The SCC program authorizes payments to licensed/certified</p>

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NEW WAC NUMBER AND TEXT	CURRENT SCC WAC NUMBER AND TEXT
<p>(1) Basic child care either full day or half day, at rates listed in the chart in WAC 170-290-0200 and 170-290-0205, including on Saturdays and Sundays:</p> <p>(a) A full day of child care when care is needed for five to ten hours per day;</p> <p>(b) A half day of child care when care is needed for less than five hours per day;</p> <p>(2) A registration fee, according to WAC 170-290-0245;</p> <p>(3) Subsidy rates for five-year old children according to WAC 170-290-0185;</p> <p>(4) The field trip fees in WAC 170-290-0247;</p> <p>(5) The nonstandard hours bonus in WAC 170-290-0249; or</p> <p>(6) Special needs care when the child has a documented special need and a documented need for a higher level of care, according to WAC 170-290-0220, 170-290-0225, and 170-290-0230.</p>	<p>child care providers for:</p> <p>(1) Basic child care either full day or half day, at rates listed in WAC 388-290-0200 and 388-290-0205:</p> <p>(a) A full day of child care is authorized when care is needed for five to ten hours per day;</p> <p>(b) A half day of child care is authorized when care is needed for less than five hours per day;</p> <p>(2) A registration fee, according to WAC 388-290-0245 (1) and (2);</p> <p>(3) An infant bonus, according to WAC 388-290-0250, providing an infant bonus for that infant has not previously been paid to the provider by another DSHS subsidy program; and</p> <p>(4) Special needs care when the child has a documented special need and a documented need for a higher level of care, according to WAC 388-290-0220, 388-290-0225, and 388-290-0230.</p>
<p>170-290-3790</p> <p>When additional SCC subsidy payments are authorized</p> <p>DEL may authorize additional SCC program subsidy payments for more than the basic child care subsidy daily rate when:</p> <p>(1) Needed to accommodate a family's work schedule;</p> <p>(2) Employer verification of work schedule is presented; and</p> <p>(3) More than ten hours of care is provided per day (up to a maximum of sixteen hours a day) and the provider's policy is to charge all families for these extra hour; or</p> <p>(4) The provider's private pay rate when child care is not available at the state rate within a reasonable distance of home or work.</p>	<p>170-292-0105</p> <p>When can additional SCC program subsidy payments be authorized?</p> <p>Additional SCC program subsidy payments can be authorized for more than the basic DSHS child care subsidy daily rate when:</p> <p>(1) Needed to accommodate a family's work schedule;</p> <p>(2) Employer verification of work schedule is presented; and</p> <p>(3) The child care provider has a written policy to charge all clients additional money for child care provided more than ten hours per day; or</p> <p>(4) Child care is not available at the DSHS daily rate within a reasonable distance, in which case the provider's usual daily rate is authorized.</p>

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NEW WAC NUMBER AND TEXT	CURRENT SCC WAC NUMBER AND TEXT
REVIEW PROCESS	
<p>170-290-3820 Review of eligibility and copayment information A consumer's eligibility and copayment information for the SCC program are looked at:</p> <ol style="list-style-type: none"> (1) When the consumer applies for the SCC program; and (2) At least every six months. 	<p>170-292-0135 When are my eligibility and copayment information for the SCC program looked at? Your eligibility and copayment information for the SCC program are looked at:</p> <ol style="list-style-type: none"> (1) When you apply for the SCC program; and (2) At least every six months.
<p>170-290-3830 Redetermination of SCC benefits (1) At least every six months, the SCC contractor reviews a consumer's information to determine if he or she may keep receiving subsidies. A consumer may receive subsidy benefits for less than six months when:</p> <ol style="list-style-type: none"> (a) The consumer's employer says that the consumer might be working less than six months; or (b) The consumer's child or children may not be eligible for the next six months because of their age. <p>(2) The SCC contractor will:</p> <ol style="list-style-type: none"> (a) Review the consumer's updated information; and (b) Redetermine the consumer's eligibility. 	<p>170-292-0140 How are my SCC program subsidies reauthorized and when may they continue? (1) Your SCC program subsidies are reauthorized by the SCC program authorizing worker who reviews your SCC program eligibility and will:</p> <ol style="list-style-type: none"> (a) Request information related to your continued eligibility, prior to the end date of your current SCC program eligibility period; (b) Review the requested information; and (c) Determine if you are still eligible, according to DSHS established criteria. <p>(2) Your SCC program subsidies may continue if:</p> <ol style="list-style-type: none"> (a) You meet all program, income and work criteria for the SCC program as described in chapter 388-292 WAC; (b) Your provider is eligible for payment under WAC 388-292-0085.
<p>170-290-3840 New eligibility period (1) If a consumer wants to receive child care benefits for another eligibility period, he or she must reapply for SCC benefits before the end of the current eligibility period on the</p>	<p>170-292-0140 How are my SCC program subsidies reauthorized and when may they continue? (1) Your SCC program subsidies are reauthorized by the SCC program authorizing worker who reviews your SCC program</p>

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<p>child care plan. To determine if a consumer is eligible, the consumer calls or comes into the SCC contractor's office by or before the end date of the consumer's current SCC eligibility period to request an application interview date.</p> <p>(2) A consumer may be eligible for SCC benefits for a new eligibility period with no break in child care if:</p> <p>(a) The consumer calls or comes into the SCC contractor's office by or before the end date of the consumer's current SCC eligibility period to request an application interview date;</p> <p>(b) The consumer's provider is eligible for payment under WAC 170-290-3750; and</p> <p>(c) The consumer meets all SCC eligibility requirements.</p> <p>(3) If the SCC contractor determines that a consumer is eligible for SCC benefits based on his or her application information, the SCC contractor notifies the consumer of the new eligibility period and copayment.</p> <p>(4) If a consumer fails to call or come in to a SCC contractor's office by or before the end date of the consumer's current SCC eligibility period to request an application interview date, he or she must reapply according to WAC 170-290-3665.</p>	<p>eligibility and will:</p> <p>(a) Request information related to your continued eligibility, prior to the end date of your current SCC program eligibility period;</p> <p>(b) Review the requested information; and</p> <p>(c) Determine if you are still eligible, according to DSHS established criteria.</p> <p>(2) Your SCC program subsidies may continue if:</p> <p>(a) You meet all program, income and work criteria for the SCC program as described in chapter 388-292 WAC;</p> <p>(b) Your provider is eligible for payment under WAC 388-292-0085.</p>
PAYMENT DISCREPANCIES	
<p>170-290-3850</p> <p>Payment discrepancies; generally</p> <p>(1) Payment discrepancies include both underpayments and overpayments.</p> <p>(2) For child care centers, payment discrepancies are subject to chapter 388-410 WAC (benefit errors).</p>	<p>170-292-0155</p> <p>What is an overpayment and when might I receive one?</p> <p>(1) An overpayment is payment for ineligible child care services;</p> <p>(2) You may receive a client overpayment notice, regardless if you are a current or past recipient, if:</p> <p>(a) You misrepresent your eligibility for the SCC program, or fail to report information that affects your eligibility; or</p> <p>(b) You use child care when you are not involved in approved</p>

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	<p>activities (under WAC 388-292-0020).</p> <p>(3) Your overpayment is written by DSHS and you are expected to pay it back.</p> <p>(a) Overpayments are written starting the date that child care subsidies were paid but were not eligible at that payment amount;</p> <p>(b) DSHS reduces the overpayment by the amount of an underpayment when applicable.</p>
<p>170-290-3855</p> <p>Payment discrepancies; provider underpayments</p> <p>(1) Underpayments to a provider occur if the SCC contractor authorizes less than the amount the provider or consumer is eligible to receive.</p> <p>(2) Underpayment requests will only be considered by the SCC contractor if the provider submitted his or her original invoice for payment no later than 12 months after the date of service.</p>	<p>170-292-0160</p> <p>When might a child care provider receive an overpayment?</p> <p>(1) A child care provider may receive a vendor overpayment notice when they receive ineligible payments. This includes payments for:</p> <p>(a) Child care that was not provided;</p> <p>(b) Services that are not allowed; or</p> <p>(c) Child care that is not supported by the provider's attendance records.</p> <p>(2) The provider's overpayment is written by DSHS and the child care provider is expected to pay it back.</p> <p>(a) Overpayments are written starting the date that child care subsidies were over paid.</p> <p>(b) DSHS reduces the overpayment by the amount of an underpayment when applicable.</p>
<p>170-290-3860</p> <p>Payment discrepancies; provider overpayments</p> <p>(1) An overpayment occurs when a provider receives a payment that is more than the provider is eligible to receive. DEL establishes overpayments for providers when a provider:</p> <p>(a) Bills and receives payment for services not provided;</p> <p>(b) Does not have attendance records that comply with the attendance requirement for the provider's child care license</p>	<p>170-292-0160</p> <p>When might a child care provider receive an overpayment?</p> <p>(1) A child care provider may receive a vendor overpayment notice when they receive ineligible payments. This includes payments for:</p> <p>(a) Child care that was not provided;</p> <p>(b) Services that are not allowed; or</p> <p>(c) Child care that is not supported by the provider's attendance records.</p>

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<p>(center, school-age center, or family home);</p> <p>(c) Bills and receives payment for more than they are eligible to bill; or</p> <p>(d) Is caring for a child outside their licensed allowable age range without a waiver.</p> <p>(2) DEL or the SCC contractor may request documentation from a provider when determining an overpayment. The provider has fourteen consecutive calendar days to supply any requested documentation.</p> <p>(3) Providers are required to repay any payments that they were not eligible to receive.</p> <p>(4) If an overpayment was made through SCC contractor error, the provider is still required to repay that amount.</p> <p>(5) When establishing an overpayment, DEL reduces the overpayment by the amount of the underpayment when applicable.</p> <p>(6) Absent days can be added to an overpayment when care is used or billed when the consumer was not eligible or care is billed incorrectly by the provider.</p>	<p>(2) The provider's overpayment is written by DSHS and the child care provider is expected to pay it back.</p> <p>(a) Overpayments are written starting the date that child care subsidies were over paid.</p> <p>(b) DSHS reduces the overpayment by the amount of an underpayment when applicable.</p>
<p>170-290-3865</p> <p>Payment discrepancies; consumer underpayments</p> <p>If a consumer's copayment amount determined by the SCC contractor results in an underpayment, the consumer may request reimbursement within three years of the date of child care service.</p>	<p>No comparable WAC currently.</p>
<p>170-290-3870</p> <p>Payment discrepancies; consumer overpayments</p> <p>(1) DEL establishes overpayments for past or current consumers when:</p> <p>(a) The consumer is no longer eligible for benefits;</p> <p>(b) The consumer is eligible for a smaller amount of care</p>	<p>170-292-0155</p> <p>What is an overpayment and when might I receive one?</p> <p>(1) An overpayment is payment for ineligible child care services;</p> <p>(2) You may receive a client overpayment notice, regardless if you are a current or past recipient, if:</p> <p>(a) You misrepresent your eligibility for the SCC program, or</p>

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<p>than authorized, such as using care for an unapproved activity or for children not in his or her SCC household;</p> <p>(c) The consumer fails to report information to the SCC contractor that results in an error in determining eligibility, amount of care authorized, or copayment;</p> <p>(d) The consumer's provider is not an eligible provider per WAC 170-290-3750; or</p> <p>(e) The consumer's child is not eligible per WAC 170-290-3540 or 170-290-3550.</p> <p>(2) The SCC contractor may request documentation from a consumer when preparing to establish an overpayment. The consumer has fourteen consecutive calendar days to supply any requested documentation.</p> <p>(3) Consumers are required to repay any child care benefits paid that they were not eligible to receive.</p> <p>(4) If an overpayment was made through departmental error, the consumer is still required to repay that amount.</p> <p>(5) When establishing an overpayment, DEL reduces the overpayment by the amount of the underpayment when applicable.</p> <p>(6) Absent days can be added to an overpayment when care is used or billed when the consumer was not eligible or care is billed incorrectly by the provider.</p>	<p>fail to report information that affects your eligibility; or</p> <p>(b) You use child care when you are not involved in approved activities (under WAC 388-292-0020).</p> <p>(3) Your overpayment is written by DSHS and you are expected to pay it back.</p> <p>(a) Overpayments are written starting the date that child care subsidies were paid but were not eligible at that payment amount;</p> <p>(b) DSHS reduces the overpayment by the amount of an underpayment when applicable.</p>
<p>170-290-3880 Payment discrepancies; providers covered under collective bargaining</p> <p>(1) This section applies to any provider covered under a collective bargaining agreement entered into pursuant to RCW 41.56.028.</p> <p>(2) Beginning July 1, 2007, there are different time frames for how far back a payment discrepancy may be corrected. The time frames, as provided in subsection (3) of this section</p>	<p>170-292-0160 When might a child care provider receive an overpayment?</p> <p>(1) A child care provider may receive a vendor overpayment notice when they receive ineligible payments. This includes payments for:</p> <p>(a) Child care that was not provided;</p> <p>(b) Services that are not allowed; or</p> <p>(c) Child care that is not supported by the provider's attendance records.</p>

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<p>are based on:</p> <ul style="list-style-type: none"> (a) When services were provided; and (b) When the request for the underpayment was made by a family home. <p>(3) Family home providers must submit a claim for payment no later than 12 months after the date of service.</p> <p>“Submitting a claim for payment” means turning the original invoice in to DSHS for services no later than 12 months after the date of service. If the claim for payment is made within the 12-month period, the time limits for correcting payment errors are:</p> <ul style="list-style-type: none"> (a) Two years back if the error is on rates paid by age and or region, unless discovered by a federal audit. This means the provider has up to two years after the date of service to ask for a corrected payment; or (b) Three years back if the error was for any other reason, including those discovered by a federal audit. This means the provider has up to three years after the date of service to ask for a corrected payment. 	<p>(2) The provider's overpayment is written by DSHS and the child care provider is expected to pay it back.</p> <ul style="list-style-type: none"> (a) Overpayments are written starting the date that child care subsidies were over paid. (b) DSHS reduces the overpayment by the amount of an underpayment when applicable.
<p>170-290-3900</p> <p>Termination of and redetermining eligibility for benefits</p> <p>(1) A consumer’s continued eligibility for SCC program subsidies stops when:</p> <ul style="list-style-type: none"> (a) The consumer’s monthly copayment is higher than the state maximum monthly rate for all of the consumer’s children in care; or (b) The consumer: <ul style="list-style-type: none"> (i) Is not participating in an approved activity as defined in WAC 170-290-3555; (ii) Does not meet other SCC eligibility requirements related to family size, income and approved activities (iii) Does not pay the copayment fees to the 	<p>170-292-0030</p> <p>When might my ongoing eligibility for SCC subsidies stop, and when might I be eligible again?</p> <p>(1) Your continued eligibility for SCC program subsidies stops when you:</p> <ul style="list-style-type: none"> (a) Are not participating in an approved activity as defined in WAC 388-292-0020; (b) Are found at your review to no longer meet eligibility criteria; (c) Do not complete the requested review information before the deadline noted in WAC 388-292-0140; or (d) Do not pay the copayment fees to your child care provider or do not make mutually acceptable arrangements with your child

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<p>consumer's child care provider or does not make mutually acceptable arrangements with the consumer's child care provider for their payment; or</p> <p>(iv) Refuses to cooperate with investigations conducted by quality assurance staff or the division of fraud investigations.</p> <p>(2) A consumer might be eligible for SCC program subsidies again when:</p> <p>(a) The consumer meets all SCC program eligibility requirements;</p> <p>(b) The consumer paid back copayment fees or made mutually acceptable payment arrangements with his or her child care provider; or</p> <p>(c) The consumer cooperated with the quality assurance review process or with the DSHS division of fraud investigations.</p>	<p>care provider for their payment.</p> <p>(e) Refuse to cooperate with investigations conducted by quality assurance staff or the division of fraud investigations.</p> <p>(2) You might be eligible for SCC program subsidies again when:</p> <p>(a) You meet all SCC program eligibility requirements; and</p> <p>(b) Copayment fees are paid to your child care provider or mutually acceptable arrangements for their payment are made with your child care provider.</p> <p>(c) Cooperate with investigations conducted by quality assurance or division of fraud.</p>
ADMINISTRATIVE HEARINGS – SCC	
<p>170-290-3910</p> <p>Right to request an administrative hearing</p> <p>(1) SCC consumers have a right to request a hearing under chapter 170-03 WAC and chapter 34.05 RCW on any action affecting SCC benefits except for mass changes resulting from a change in policy or law.</p> <p>(2) Licensed or certified child care providers may request hearings under this chapter and chapter 170-03 WAC and chapter 34.05 RCW, only for SCC overpayments.</p> <p>(3) To request an administrative hearing consumers must write to the Office of Administrative Hearings at the address in WAC 170-03-170 within ninety days of the date any decision of an action is received.</p>	<p>170-292-0075</p> <p>Do I have the right to ask for a hearing regarding SCC program subsidy payments, and how do I request one?</p> <p>You have the right to request a hearing regarding your SCC program subsidy payments under chapter 388-02 WAC:</p> <p>(1) On any action affecting your SCC program subsidy payments, except for mass changes that result from a change in policy or law.</p> <p>(2) By writing to the Office of Administrative Hearings, at the address in WAC 388-02-0025(1) within ninety days of the date any decision of an action is received.</p>

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<p>170-290-3920 Receipt of SCC benefits pending the outcome of an administrative hearing (1) A consumer may receive SCC benefits while waiting for the outcome of a hearing, if he or she is currently authorized for the SCC program and: (a) The consumer requests a hearing: (i) On or before the effective date of an action; or (ii) No more than ten days after the consumer receives a notice of adverse action. "Adverse action" means an action to reduce or terminate the consumer's SCC subsidies; (b) The consumer requests payments for child care payable to an eligible provider according to WAC 170-290-3750. (2) If a consumer loses a hearing, any SCC program benefit that a consumer uses between the date of the adverse action and the date of the hearing decision (final order) is an overpayment to the consumer.</p>	<p>170-292-0080 Can I use SCC programs subsidies while waiting for the outcome of a hearing, and when might it need to be repaid? (1) You can use SCC program subsidies while waiting for the outcome of a hearing, if you are currently authorized for the SCC program and: (a) You request a hearing: (i) On or before the effective date of an action; or (ii) No more than ten days after you are sent a notice of adverse action. "Adverse action" means an action to reduce or terminate your SCC subsidies. (b) You request payments for child care payable to an eligible provider (under WAC 388-292-0100 and 388-292-0085). (2) If you lose a hearing, any SCC program subsidies you use between the date of the adverse action and the date of the hearing or hearing decision is an overpayment to you and will need to be repaid to DSHS.</p>

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